

**CASE NO. PD-0265-18**

**MARC DAVENPORT**

**v.**

**THE STATE OF TEXAS**

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**IN THE COURT OF**  
COURT OF CRIMINAL APPEALS  
7/20/2018  
**CRIMINAL APPEALS**, CLERK  
**AUSTIN, TEXAS**

**MOTION TO EXTEND TIME TO**  
**FILE APPELLEE'S BRIEF**

**TO THE HONORABLE JUDGES OF SAID COURT:**

Now comes MARC DAVENPORT, Appellee in the above styled and numbered cause, and moves for an extension of time of 30 days to file Appellee's brief, and for good cause shows the following:

1. On February 7, 2018 the 9th Court of Appeals reversed the trial court's pretrial order dismissing Appellee's indictment in *The State of Texas v. Marc Davenport*, case Number 09-17-00125-CR, 9th Court of Appeals, Beaumont, Texas. No motion for rehearing or en banc reconsideration was filed in the 9th Court of Appeals. The deadline for filing appellee's brief in this Court is July 20, 2018.

2. Appellee is requesting additional time to file Appellee's brief based on the following:

Counsel for the Appellee had been preparing for a family law trial the week of July 16, 2018, in cause number 07-10-10269, in County Court at Law Three of

Montgomery County. This case involved preparing for multiple depositions, meeting with multiple witnesses in preparation for trial, and review of discovery.

Further, counsel is set for trial on July 23, 2018 in cause number 17-02-02017, *In the Interest of Jaxon Vernon*, in the 410<sup>th</sup> District Court of Montgomery County. This case has been pending for over year and counsel earlier this week received over 340 audio recordings that counsel and his staff must review in order to be prepared for trial. Due to the amount of time spent preparing for these trials, counsel needs additional time in finish the brief in this case.

In addition, counsel spent time with his family during the summer break in July for a previously arranged trip together.

3. No previous request for the extension of time to file Appellee's brief has been made in this case.

**WHEREFORE, PREMISES CONSIDERED,** Appellee respectfully requests an extension of 30 days to file Appellee's brief.

Respectfully submitted,

Law Office of Stephen D. Jackson &  
Associates  
215 Simonton  
Conroe, Texas 77301  
(936) 756-5744  
(936) 756-5842 facsimile

By: 

\_\_\_\_\_  
Stephen D. Jackson  
State Bar No. 00784324  
Attorney for Marc Davenport

STATE OF TEXAS

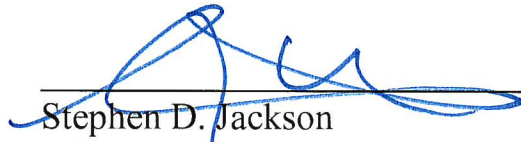
COUNTY OF MONTGOMERY

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**AFFIDAVIT**

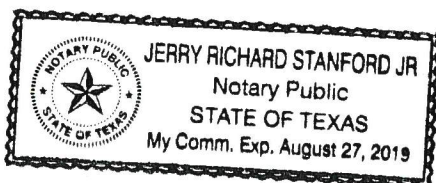
**BEFORE ME**, the undersigned authority, on this day personally appeared  
Stephen D. Jackson, who after being duly sworn stated:

“I am the attorney of record for the Appellee in the above numbered  
and styled cause. I have read the foregoing Motion to Extend Time to  
File Appellee’s Brief and swear that all of the allegations of fact  
contained therein are true and correct to the best of my knowledge.”

  
\_\_\_\_\_  
Stephen D. Jackson  
Affiant

**SUBSCRIBED AND SWORN TO BEFORE ME** on  
July 19, 2018, to certify which witness my hand and  
seal of office.

  
\_\_\_\_\_  
Notary Public, State of Texas



### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy a true and correct copy of the above and foregoing document was served on counsel representing the State of Texas and the State Prosecuting Attorney by electronic service on July 19, 2018.



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Stephen D. Jackson